

pal



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,500	09/11/2000	Joaquim Geraldo Cretella	10831-021001	5069

23585 7590 11/06/2003

MICHAEL BEST & FRIEDRICH LLP
3773 CORPORATE PARKWAY
SUITE 360
CENTER VALLEY, PA 18034-8217

EXAMINER

RAPP, CHAD

ART UNIT	PAPER NUMBER
----------	--------------

2125

7

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,500

Applicant(s)

CRETELLA ET AL.

Examiner

Chad Rapp

Art Unit

2125

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

Art Unit: 2125

1. Claims 1-27 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 5-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 1 "the user" should be changed to "a user".

In claim 5, line 1 "the user" should be changed to "a user".

In claim 6, line 2 "the environment should be changed to " an environment".

In claim 7, line 1 "the user" should be changed to "a user".

In claim 10, line 1 "the user" should be changed to "a user".

In claim 10, line 2 "the option" should be changed to "an option".

In claim 11, lines 4-5 "the option" should be changed to "an option".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al. in view of Borah et al.

Finn et al. teaches the claimed invention (claims 1 and 6) substantially as claimed including a method comprising :

a. Receiving a cargo identification is taught as the cargo is identified by an inventory control number embedded in a barcode(col. 16 lines 8-9);

b. Retrieving from a database an environment-control parameter as a function of the identified cargo is taught as the barcode scanner scans the barcode on the cargo and communicates with the monitor and determines via its database what the crate contains and what is should monitor(col. 17 lines 26-31 and col. 16 lines 3-4).

Finn et al. teaches the above listed details of the independent claims 1 and 6, Finn et al. does not teach: regulating a conditions space of an environment-controlled transport unit based upon the environment-control parameter.

Borah et al. teaches :

c. Regulating a conditions space of an environment-controlled transport unit based upon the environment-control parameter is taught as a temperature controller controls a temperature within a predetermined temperature range which is previously stored within memory (col. 4 lines 51-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Finn et al. with the teachings of Borah et al. because the Borah et al. invention teaches controlling the temperature of a refrigerated truck which contains perishable food goods or cargo. This ability to control or regulate the

Art Unit: 2125

temperature of the transport based on the difference between the actual temperature and desired temperature of the cargo greatly increases the delivery of undamaged goods to the buyer from a supplier.

As to claims 2 and 7, it would have been obvious to one of ordinary skill in the art at the time the invention was made or used to present to the user a menu of cargo options because it is well known that an interface with a computer system that contains lists can be menu driven.

As to claims 3 and 8, it would have been obvious to one of ordinary skill in the art at the time the invention was made or used wherein the menu of cargo options includes media representations because various programs with a menu can have numbers for the selection.

As to claims 4 and 9, Finn et al. teaches that wherein the environment-control parameter is at least one of temperature set point, temperature range, time-out-of-range, optimum mode of operation, humidity, lighting conditions, atmospheric conditions and defrosting constraints is taught as the temperature and humidity (col. 17 line 1).

As to claim 5 and 10, Finn et al. teaches that presenting the user the option to set the parameter manually is taught as the range of acceptable conditions can be related or set with a data entry device (col. 18 lines 25-27 and col. 21 line 65 to col. 22 line 9).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2125

7. Claims 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al. in view of Borah et al.

Finn et al. teaches the claimed invention (claim 11) substantially as claimed including an environmental control system comprising:

- a. An environment-adjusting system configured to adjust the environment of a conditioned space is taught as the monitoring control system(col. 5 lines 11-18 and fig. 12);
- b. A database communicatively connected to the controller, wherein the database comprises a cargo identification and an environment-control parameter as a function of the cargo identification is taught as the barcode scanner scans the barcode on the cargo and communicates with the monitor and determines via its database (which contains multiple look up tables that contains data of interest) what the crate contains and what is should monitor. The controller manages this database(col. 17 lines 26-31, col. 16 lines 3-4 and col. 21 lines 41-47);
- c. An input device coupled to the controller is taught as an entry device is connected to the controller(see fig. 12);
- d. Wherein the controller is configured upon selection of a cargo identification by way of the input device to retrieve the environment-control parameter as a function of the cargo identification from the database is taught as an operator can use the data entry device to enter data that is transmitted to the monitor which has the memory that contains the relational data base that contains the data look up tables(col. 21 line 41 to col. 22 line 25).

Finn et al. teaches the above listed details of the independent claim 11, however, Finn et al. does not teach:

Art Unit: 2125

Borah et al. teaches : regulate the environment-adjusting system based upon the environment-control parameter and a controller coupled to the environment-adjusting system configured to regulate the operation of the environment-adjusting system.

a. Regulate the environment-adjusting system based upon the environment-control parameter is taught as a temperature controller controls a temperature within a predetermined temperature range which is previously stored within memory (col. 4 lines 51-55).

b. A controller coupled to the environment-adjusting system configured to regulate the operation of the environment-adjusting system is taught as a temperature controller controls a temperature within a predetermined temperature range which is previously stored within memory (col. 4 lines 51-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Finn et al. with the teachings of Borah et al. because the Borah et al. invention teaches controlling the temperature of a refrigerated truck which contains perishable food goods or cargo. This ability to control or regulate the temperature of the transport based on the difference between the actual temperature and desired temperature of the cargo greatly increases the delivery of undamaged goods to the buyer from a supplier.

As to claim 12, Finn et al. teaches wherein the input device includes at least one of a keypad, a touch screen, a keyboard, a mouse and a personal computer is taught as a keyboard(col. 21 lines 67).

As to claim 13, Finn et al. teaches comprising an output device is taught as a display(col. 22 line 23).

Art Unit: 2125

As to claim 14, Finn et al. teaches wherein the output device includes at least one of a display screen, a touch screen and a personal computer is taught as a display(col. 22 line 23).

As to claim 15, Finn et al. teaches wherein the output device is configured to display alphanumeric and graphic data is taught as a map(col. 21 lines 7-13).

As to claim 16, Finn et al. teaches comprising a sensor coupled to the controller is taught as a sensor. The sensor is couple to the controller through the radio transmitter and the asset monitor communication means(col. 15 lines 30 and fig. 12).

As to claim 17, Finn et al. teaches comprising an external communication interface is taught t as the impulse radio transmitter(col. 16 lines 43-46).

As to claim 18, Finn et al. teaches wherein the external communication interface is configured to establish a communication connection by radio frequency signal, infrared signal, satellite link or cellular telephone is taught as an impulse radio transmission(col. 15 lines 53-54).

As to claim 19, Finn et al. teaches wherein the database comprises a plurality of cargo identifications and a plurality of environment-control parameters as a function of each cargo identification in the database is taught as the large scale relational database (col. 21 lines 41-47).

As to claim 20, Finn et al. teaches wherein the environment-adjusting system includes at least one of a refrigeration system, humidifier, lighting system, dehumidifier, atmosphere regulator and venting system is taught as a refrigerator unit(col. 14 lines 42-50).

As to claim 21, Finn et al. teaches comprising memory coupled to the controller, wherein the database resides in the memory is taught as a database of the monitor is contained within its memory and the monitor with its memory is coupled to controller through communications means(col.17 lines 24-31, col. 41-47 and fig. 12).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al. in view of Borah et al.

Finn et al. teaches the claimed invention (claim 22) substantially as claimed including an environment-controlled transport unit comprising:

- a. A container defining a conditioned space is taught as cargo 1134(col. 16 lines 26 and fig. 12);
- b. An environment control system configured to receive a cargo identification is taught as monitoring control system(col. 5 lines 11-18 and fig. 12).

Finn et al. teaches the above listed details of the independent claim 22, however, Finn et al. does not teach: wherein the environment control system is configured regulate the environment of the conditioned space based upon the cargo identification.

- a. Wherein the environment control system is configured regulate the environment of the conditioned space based upon the cargo identification is taught as a temperature controller controls a temperature within a predetermined temperature range which is previously stored within memory (col. 4 lines 51-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Finn et al. with the teachings of Borah et al.

Art Unit: 2125

because the Borah et al. invention teaches controlling the temperature of a refrigerated truck which contains perishable food goods or cargo. This ability to control or regulate the temperature of the transport based on the difference between the actual temperature and desired temperature of the cargo greatly increases the delivery of undamaged goods to the buyer from a supplier.

As to claim 23, Finn et al. teaches that wherein the environment control system includes memory is taught as a memory (col. 16 line 17 and fig. 12).

As to claim 24, wherein the memory includes an environment-control parameter as a function of the cargo identification is taught as the barcode scanner scans the barcode on the cargo and communicates with the monitor and determines via its database what the crate contains and what is should monitor(col. 17 lines 26-31 and col. 16 lines 3-4).

As to claim 25, Borah et al. teaches wherein the environment control system is configured regulate the environment of the conditioned space based upon the environment-control parameter is taught as a temperature controller controls a temperature within a predetermined temperature range which is previously stored within memory (col. 4 lines 51-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Finn et al. with the teachings of Borah et al. because the Borah et al. invention teaches controlling the temperature of a refrigerated truck which contains perishable food goods or cargo. This ability to control or regulate the temperature of the transport based on the difference between the actual temperature and desired temperature of the cargo greatly increases the delivery of undamaged goods to the buyer from a supplier.

Claim Rejections - 35 USC § 103

10 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al.

Finn et al. teaches the claimed invention(claim 26) substantially as claimed including a computer readable medium storing data structures comprising:

a. A first set of data structures to store cargo identifiers is taught as a part of the variety of the tables that link fields(cargo identifiers and parameters) containing data of interest to the monitoring of cargo system(col. 21 lines 41-47);

b. A second set of data structures to store parameters is taught as a part of the variety of the tables that link fields(cargo identifiers and parameters) containing data of interest to the monitoring of cargo system(col. 21 lines 41-47);

c. Wherein each cargo identifier is associated with at least one of the parameters is taught as the barcode scanner scans the barcode on the cargo and communicates with the monitor and determines via its database what the crate contains and what is should monitor(col. 17 lines 26-31 and col. 16 lines 3-4).

Even though the Finn et al. does not come out and say data structures of cargo identifiers and parameters it would have been obvious to one of ordinary skill at the time the invention was

Art Unit: 2125

made or used to know that the data table are data structure and that in a cargo monitoring system that data of interest would be able to detect what cargo and be able to control what ever parameters that need to be controlled.

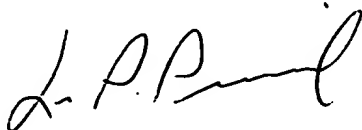
As to claim 27, Finn et al. wherein the parameters include environment-control parameters is taught as cargo is temperature critical(col. 15 lines 30-37).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Rapp whose telephone number is (703)306-4528. The examiner can normally be reached on Mon-Fri 11:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703)308-0538. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9600.



Chad Rapp
Examiner
Art Unit 2125

cjr

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100